

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)
New Part 4 of the Commission's Rules) ET Docket No. 04-35
Concerning Disruptions to Communications.)

COMMENTS OF STAFF OF THE KANSAS CORPORATION COMMISSION

Staff of the Kansas Corporation Commission (KCC staff) submits the following
Comments in response to the Notice of Proposed Rule Making in this docket, FCC 04-30 (FCC
04-30).

KCC staff commends the Federal Communications Commission's (FCC) efforts to collect service interruption data in a standard and efficient manner. KCC staff is also appreciative of the FCC's efforts to broaden the reporting requirements to include virtually all telecommunications platforms. We are, however, concerned that the current and proposed reporting thresholds are set so high that rural event information is not captured. Access to timely and consistent information is necessary for policy makers at the state and federal levels to respond to customers' interests in and needs for a highly reliable telecommunications network.

KCC staff believes the service disruption information would be more useful at the state and local level if certain reporting triggers were changed.

Paragraphs 21, 22 and 23 of FCC 04-30 present the proposed reporting thresholds. The outage must potentially affect at least 30,000 customers and be at least 30 minutes in duration so that the number of user-minutes potentially affected equals 900,000 user minutes (ie. 30,000 users X a 30 minute outage = 900,000). KCC staff believe the current and proposed reporting thresholds are too high and will not capture events occurring in the rural portions of the Public Switched Telephone Network (PSTN). While we have no empirical data on which to base a calculated recommendation, we suggest that consideration be given to significantly reducing the number of

potentially affected users from 30,000 to no more than 5,000, for a threshold of at most 150,000 user minutes. Implementation of this recommendation would include many, but certainly not all, of the rural communities and their serving technologies, which are generally different from those used to serve the larger urban locations. In the alternative, separate reporting requirements could be implemented for urban and rural entities.

In addition, KCC staff suggests that the reporting thresholds and electronic reporting template be expanded to capture the emerging Voice over Internet Protocol (VoIP) architecture, with reporting thresholds low enough to capture significant disruption events in the rural portions of the network. This expansion will be essential in providing the states the data tools needed to perform any VoIP Quality of Service and/or oversight roles, that may be delegated. This matter is currently under review in the FCC's NPRM 04-28, released March 10, 2004.

Paragraph 7 of the NPRM asserts that "...this network outage reporting requirement has enabled a successful public-private partnership to emerge in which the telephone industry and manufacturers have voluntarily developed best practices that telephone companies have been encouraged, but not required to adopt." The paragraph concludes "... this data-driven, self improvement model should be extended to these other communications providers (wireless, satellite and cable), and seek comment on this conclusion."

KCC staff agrees that the reporting requirements have provided service providers and vendors with a needed information flow and a forum in which best practices have been formulated. However, it is not clear just how far down in the PSTN those flows have penetrated. Due to the level of the current and proposed reporting thresholds, it appears that service interruptions, caused by work practices or failures of lower capacity technologies (e.g. remote switching and pair gain systems), go unreported. Lower reporting thresholds could expand the recognized benefits to

lower elements of the PSTN. Expanding the already established reporting requirements would provide for consistent data gathering and efficient electronic filing.

As stated above, KCC staff agrees with the general methodology presented in paragraph 22 of the NPRM, however, we are concerned that the reporting threshold level is set too high. With the present reporting level, at least 30,000 customers affected for 30 minutes or more, significant portions of rural networks escape reporting. In most cases, the technology deployed to serve the lower density rural networks is different from that used to serve urban wire centers with 30,000 or more customers. Thus, the rural portions of the PSTN escape the analyses and best practices development currently applied to the urban portions. While many states have local reporting requirements in place, they lack state-to-state consistency, have little or no organized review process that engages vendors and other service providers and do not equal the best practices developed by the Network Reliability and Interoperability Council (NRIC).

A lower threshold that would measure disruptions to only five thousand users, for 30 minutes or more (for 150,000 potential user minutes), would increase the awareness of disruptions in the rural portions of the PSTN. KCC staff recognizes that requiring reporting by smaller companies would impose a burden on those companies. However, we believe the electronic reporting and filing process, presented in section IX of this NPRM, would not be unduly burdensome, even for the smallest service providers. We believe the benefits that would come from getting reports of disturbances in rural areas outweigh the additional burden.

KCC staff is sensitive to the potential of overwhelming the NRIC and/or other users of this information with additional data. However, it would appear that even though the reporting volume may increase significantly, the users (the NRIC, FCC, state commissions, possibly vendors, etc.) of

such data could work effectively with the increased volume of data by specifying their desired report generation thresholds.

KCC staff concerns with respect to the reporting threshold level are applicable to all the platforms addressed in the NPRM and, in the interest of brevity, are not repeated for each of the platforms.

In paragraph 31, the FCC proposes to impose reporting requirements on the vendors with whom service providers have contracted (e.g. SS-7 service). These vendors may have first hand knowledge of service-affecting disruptions and may be able to provide more detail as to cause and circumstances leading up to an interruption. However, jurisdictional issues may complicate the FCC's and/or various state commissions' authority in this area. We suggest that the reporting requirements remain with the certificated service provider. With the continued emergence of more sophisticated technologies, the trend toward outsourcing these services will most likely increase. The fact that a service provider may outsource certain services is a contractual matter between the service provider and the respective vendor. However, the certificated service provider is responsible for providing the service and accountable to its end users.

KCC staff is very supportive of the Proposed Electronic Filing Template presented in Appendix B. The scope of information requested appears to be very relevant and comprehensive. It should not be burdensome to provide. We suggest that the following questions/information be added.

First, in addition to requesting the name and type of failed equipment, add a request for the vendor's name and whether the outage occurred as a result of installation/rearrangement activity? If so, was an outside installation vendor used?

Second, in relation to service restoration information, include a question whether the Telecommunications Service Priority (TSP) program was involved and if it was, request comments concerning its effectiveness.

Third, in the best practices section, include the web site address for the NRIC's current best practices to assist person(s) preparing the report.

At the conclusion of this review and rule making initiative, we suggest that consideration be given to a further expansion of the electronic reporting process to include Quality of Service information. This direction was presented to NARUC at its Winter, 2004, meeting and adopted in the form of a Resolution by NARUC's Board of Directors on March 10, 2004. The complete Resolution is available at <http://www.naruc.org/displaycommon.cfm?an=1&subarticlenbr=298>. A copy of the Resolution itself is attached to these comments.

The availability of timely and consistent Quality of Service data, efficiently collected, would provide policy makers at both the federal and state level access to needed information to fulfill their roles with respect to Quality of Service matters. The need for such a standardized arrangement will become even greater as the industry moves forward with implementation of VoIP technology.

Respectfully Submitted,

Eva Powers KS bar #09300
1500 SW Arrowhead
Topeka KS 66604
(785) 271-3173

Counsel for KCC staff

**Resolution Regarding the Updated NARUC
Service Quality White Paper**

WHEREAS, The quality of telecommunications services and networks is critical to the health, welfare, and economy of the country; *and*

WHEREAS, The transition to competition presents complex challenges for maintaining high quality service; *and*

WHEREAS, The Federal Communications Commission ("FCC") ARMIS data, as well as service quality investigations conducted in numerous States, have indicated trends in service quality that raise concern regarding the quality of the network; *and*

WHEREAS, The States have traditionally established the specific quality of service standards in their jurisdictions, determined applicability, and monitored compliance; *and*

WHEREAS, Extensive studies by the National Regulatory Research Institute of the quality of service available to consumers demonstrate the need for improving the monitoring of telecommunications service quality by requiring standardized reports, conducting service quality audits, and expanding the data collected by the FCC and the States; *and*

WHEREAS, In response to the NARUC Committee on Telecommunications' directive, the NARUC Service Quality Subgroup has updated the 1998 Service Quality White Paper, and recommends a wireline service quality reporting format with new, more up-to-date metrics; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 2004 Winter Meetings in Washington, D.C., recognizes the updated NARUC Service Quality Subgroup White Paper; *and be it further*

RESOLVED, That NARUC recommends that States and the FCC consider the recommended metrics as a means to improve a customer-focused service quality reporting program, and, where appropriate, consider these metrics on a multi-State basis, *and be it further*

RESOLVED, That the NARUC General Counsel be directed to file and take any appropriate actions to further the intent of this resolution.

Sponsored by the Committee on Telecommunications
Adopted by the NARUC Board of Directors March 10, 2004